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20 **UNITED STATES DISTRICT COURT**  
21 **NORTHERN DISTRICT OF CALIFORNIA**

22 Thomas Carnes, by and through his Guardian ad Litem,  
23 Juliana Christine Clegg, on his own behalf and on behalf  
of others similarly situated,

24 Plaintiff,

25 vs.

26 Atria Senior Living, Inc. and Does 1 Through 100,

27 Defendants.

28 CASE NO. 3:14-cv-02727-VC

**STIPULATION AND  
[PROPOSED] ORDER TO  
EXTEND DEADLINE TO FILE  
PLAINTIFF'S SECOND  
AMENDED COMPLAINT AND  
DEFENDANT'S RESPONSIVE  
PLEADING**

Judge: Hon. Vince Chhabria

1       **WHEREAS**, plaintiff filed his Class Action Complaint in this Court on June 12, 2014;

2       **WHEREAS**, plaintiff filed his First Amended Class Action Complaint in this Court on  
3 August 7, 2014;

4       **WHEREAS**, on August 27, 2014, the parties stipulated to extend the deadline for  
5 defendant to respond to plaintiff's First Amended Complaint to September 11, 2014;

6       **WHEREAS**, on September 11, 2014, defendant filed its Motion to Dismiss plaintiff's First  
7 Amended Complaint with a hearing date of November 6, 2014;

8       **WHEREAS**, hearing was held on defendant's Motion to Dismiss plaintiff's First Amended  
9 Complaint on November 6, 2014 and the Court issued an Order Granting Defendant's Motion to  
10 Dismiss the First Amended Complaint with leave to amend within 21 days of the date of the order,  
11 or November 27, 2014;

12       **WHEREAS**, the Parties, upon meeting and conferring, and in the interest of convenience  
13 and fairness to the parties and the Court, have agreed to a revised pleading schedule to  
14 accommodate the upcoming Thanksgiving holiday, and have agreed that plaintiff shall have an  
15 additional two weeks in which to file his Second Amended Complaint so that the Second Amended  
16 Complaint shall now be filed on December 11, 2014; and

17       **WHEREAS**, the Parties have further agreed that defendant shall also have an additional  
18 two weeks in which to file its responsive pleading to January 15, 2015.

19       **NOW THEREFORE, THE PARTIES STIPULATE THAT:**

20       1.       The deadline for Plaintiff to file his Second Amended Complaint will be extended  
21 by 14 days to December 11, 2014.

22       2.       The deadline for Defendant to file its responsive pleading to Plaintiff's Second  
23 Amended Complaint will be extended by 14 days to January 15, 2014.

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25       ////

26       ////

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1           **IT IS SO STIPULATED.**

2           Respectfully submitted,

3           DATED: November 10, 2014

4           STEBNER AND ASSOCIATES

5           \_\_\_\_\_  
6           /s/ Kathryn A. Stebner

7           Kathryn A. Stebner

8           Attorneys for Plaintiff and the proposed Class

9           DATED: November 10, 2014

10           LEWIS BRISBOIS BISGAARD & SMITH LLP

11           \_\_\_\_\_  
12           /s/ Katherine DenBleyker

13           Katherine DenBleyker

14           Attorneys for Defendant

15           **DECLARATION OF CONSENT**

16           I, Kathryn A. Stebner, hereby declare pursuant to General Order 45, § X(B), that I have  
17           obtained concurrence in the filing of this document from Katherine DenBleyker. I declare under  
18           penalty of perjury that the foregoing is true and correct.

19           Executed on November 10, 2014, in the City of San Francisco, California.

20           \_\_\_\_\_  
21           /s/ Kathryn A. Stebner

22           Kathryn A. Stebner

23           **PROPOSED] ORDER**

24           Pursuant to the Stipulation, **IT IS SO ORDERED.**

25           Dated: November 12, 2014

26             
Honorable Vince Chhabria  
United States District Judge